IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7350 of 2006()

CRIME NO.303/06 OF MUNAMBAM POLICE STATION.

PETITIONER/ACCUSED

R.SUDHAKARAN, S/O.RAGHAVAN,
KALLUVILA VEEDU, THEKKEMURI, EAST KALLADA,
KOLLAM DISTRICT.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENT: COMPLAINANT

THE STATE OF KERALA, REPRESENTED
BY SUB INSPECTOR OF POLICE, MUNAMPAM POLICE
STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No.7350 OF 2006

DATED THIS THE 15TH DAY OF DECEMBER, 2006

O R D E R

Petitioner seeks anticipatory bail on the allegation that the Munambam Police are at his heels.

2. Learned Public Prosecutor opposed the application submitting that the petitioner is the sole accused in Crime No.303/06 of Munambam Police Station for offences punishable under sections 409 and 406 IPC in respect of a mini lorry. While the petitioner would assert that the complainant had repossessed the vehicle for carrying out certain mechanical work, the learned Public Prosecutor submitted that the vehicle is still with the petitioner.

3. Anticipatory bail cannot be granted in a case of this nature, especially when the custody of the vehicle in question is in dispute. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two

weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn